



PATENTS
112008-0027C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
John Abedor, et al)
Serial No.: ~~08/740,637~~ 09/441,003)
Filed: October 31, 1996)
For: ESTIMATING TAPE PACK RA-)
DIUS USING A KALMAN FILTER)

Examiner: Nguyen, John

Art Unit: 3653

RECEIVED

JUL 18 2001

TO 3600 MAIL ROOM

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

I, A. Sidney Johnston, represent that I am an attorney of record for this application.

The Assignee of this application is Ampex Corporation (the "Assignee"), whose business address is 500 Broadway, Redwood City, California 94063-3199. The extent of the Assignee's interest is the whole of the invention.

On behalf of the Assignee, I hereby disclaim the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of United States Patent No. 6082653, as heretofore shortened by any terminal disclaimer, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with United States Patent No. 6082653, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee and its successors or assigns.

This disclaimer applies to any terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of United States Patent No. 6082653, as shortened only by any heretofore-entered terminal disclaimer, and not by any subsequent disclaimer, expiration for failure to pay a maintenance fee; finding of unenforceability or invalidity, cancellation by a reexamina-

position transducer to measure an angular position in response to movement of said tape" renders the two cited patents legally insufficient, either taken together or singly, to make the presently claimed invention obvious under 35 U.S.C. 103.

On page 2 of the Office Action, Claims 1-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of Abedor et al (US 6082653 issued on July 4, 2000) (Abedor). A terminal disclaimer to obviate the double patenting rejection over the issued U.S. patent is filed herewith.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

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Respectfully submitted,



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tion certificate, or other earlier termination, except for the separation of legal title stated above.

12 July 2001 *A. Sidney Johnston*
Date
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